

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
WEDNESDAY APRIL 9, 2003
AT 7:00 P.M.

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS
54111 BROUGHTON ROAD
MACOMB, MICHIGAN 48042

PRESENT: JOHN D. BRENNAN, SUPERVISOR
MICHAEL D. KOEHS, CLERK
MARIE MALBURG, TREASURER
TRUSTEES: JANET DUNN
KENNETH MEERSCHAERT, JR.
DINO F. BUCCI, JR.
CHARLES OLIVER

ABSENT: NONE.

Also in attendance: Larry Dloski, Township Attorney
Jerome R. Schmeiser, Community Planning Consultant
James Van Tiflin, Project Manager from Spalding & DeDecker
Associates. (Additional attendance record on file with Clerk)

Call Meeting to Order

1. Roll Call

Clerk KOEHS called the roll. All members present.

2. PLEDGE OF ALLEGIANCE

3. Approval of Agenda Items (with any addendum's)

MOTION by BUCCI seconded by OLIVER to approve the agenda with the stated addendums.

MOTION carried.

4. Approval of Bills

MOTION by DUNN seconded by MEERSCHAERT to approve the Bills as submitted.

MOTION carried.

5. Approval of Meeting Minutes

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MOTION by OLIVER seconded by MALBURG to approve the revised meeting minutes of March 26, 2003 as submitted.

MOTION carried.

6. Public Comments (Non Agenda items only - 3 minute time limit) None.

PUBLIC HEARING:

7. Request to adopt Resolution No. 2; Urban Meadows Subdivision Retention Basin. Section 36.

Supervisor BRENNAN opened the Public Hearing at 7:03 P.M and reviewed the request.

MOTION by OLIVER seconded by KOEHS to close the Public Hearing at 7:05 P.M.

MOTION carried.

MOTION by DUNN seconded by MALBURG to approve the Resolution No. 2; Urban Meadows Subdivision Retention Basin. Section 36. The resolution is as follows:

RESOLUTION NO. 2

Minutes of a regular meeting of the Township Board of the Township of Macomb, County of Macomb, Michigan, held in the Township Hall in said Township on **April 9, 2003**, at 7:00 o'clock P.M., Eastern Daylight Saving Time.

PRESENT: John D. Brennan, Michael D. Koehs, Marie E. Malburg, Dino F. Bucci, Jr., Charles Oliver, Janet Dunn, Kenneth Meerschaert, Jr.

ABSENT: None.

The following preamble and resolution were offered by Member DUNN and supported by Member MALBURG.

WHEREAS, the Macomb Township Board (the "Township") has passed a resolution dated **April 9, 2003**, establishing a Special Assessment District subject to a public hearing, for the purpose of maintaining and operating a detention basin described in Exhibit "B" attached hereto (the "Basin"); and

WHEREAS, pursuant to Section 192a(2) and 192a(5) of Act 288, P.A. 1967, as amended, (the "Act"), proper notice having been given, a hearing was held on **April 9, 2003**, on creation and maintaining the detention basin, including but not limited to the operation and maintenance of basin pumps and appurtenances, the cutting of grass and the removal of weeds and other debris, by special assessment on the property benefited thereby. At such hearing, the establishment of the Special Assessment District and defraying the cost of operating and maintaining the detention basin by special assessment was approved; and

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WHEREAS, the Special Assessment District consists of Lots 1 through 76, inclusive, of the Urban Meadows Subdivision (the "Plat"), as approved by the Township, located on the land described in Exhibit "A" attached thereto; and

WHEREAS, Lots 1 through 76, inclusive, within the Plat are benefited by the detention basin, and

WHEREAS, pursuant to Section 192a(3) of the Act allows the Township to, subject to approval at public hearing, determine the annual cost of the operation and maintenance of the detention basin, determine the annual special assessment levy, prepare a special assessment roll, and direct the spread of the assessment levy on all property in the district.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD
OF THE TOWNSHIP OF MACOMB, MACOMB COUNTY, MICHIGAN:**

1. That the Special Assessment District created by resolution on **March 12, 2003**, and approved at a public hearing on **April 9, 2003**, is confirmed. The boundaries of the Special Assessment District are more particularly described in Exhibit "A" attached to this Resolution and made a part hereof.
2. That the authority to defray the cost of operating and maintaining the detention basin by special assessment on the property benefited thereby as adopted by the Township by resolution on **March 12, 2003**, and approved at a public hearing on **April 9, 2003** is confirmed.
3. That in the event the Township has or intends to expend funds for the maintenance and operation of said detention basin, the Township shall prepare a special assessment roll, determine that annual cost of the operation and maintenance of the detention basin, establish an annual special assessment levy, and prepare a plan to spread the assessment levy on each lot within the Special Assessment District be equal to the annual cost of the operation and maintenance of the detention basin multiplied by a fraction, the numerator of which is one (1) and the denominator of which is the total number of lots in the Special Assessment District, being all of the lots contained within the Urban Meadows Subdivision.
4. That after the determination of the annual cost of the operation and maintenance of the detention basin, the Township shall give notice of and hold a public hearing to approve such costs the establishment of the annual special assessment levy and the plan to spread the annual special assessment.
5. That the Township Board be and hereby is authorized, empowered and directed to make, execute and deliver any and all instruments, papers and documents and to do and perform any and all acts and things which shall be or become necessary, proper, convenient or desirable to carry out, put into effect or make operative any and all matters and things authorized or permitted to be done in the hereinabove resolution.

AYES: DUNN, MALBURG, MEERSCHAERT, OLIVER, BUCCI, KOEHS, BRENNAN.

NAYS: NONE.

RESOLUTION DECLARED ADOPTED.

Michael D. Koehs
Macomb Township Clerk

MOTION carried.

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PLANNING COMMISSION:

8. Final Preliminary Plat; Hidden Meadows Subdivision; Located north of 21 Mile Road and approximately 238' east of Card Road; Casa DeMar Development, Petitioner. Permanent Parcel No. 08-26-351-013.

Jerome R. Schmeiser, Community Planning Consultant reviewed the request.

Public Portion: None.

Petitioner: Tom Kellogg present.

MOTION by BUCCI seconded by DUNN to approve the Final Preliminary Plat; Hidden Meadows Subdivision; Located north of 21 Mile Road and approximately 238' east of Card Road; Casa DeMar Development, Petitioner. Permanent Parcel No. 08-26-351-013.

MOTION carried.

9. Final Plat; Urban Meadows Subdivision; located west of the GTWRR and approximately 415' north of Hall Road; Urban Enterprises, Petitioner. Permanent Parcel No. 08-36-376-001.

Jerome R. Schmeiser, Community Planning Consultant reviewed the request.

Public Portion: None.

Petitioner: Tom Kellogg present.

MOTION by OLIVER seconded by MALBURG to approve the Final Plat; Urban Meadows Subdivision; located west of the GTWRR and approximately 415' north of Hall Road; Urban Enterprises, Petitioner. Permanent Parcel No. 08-36-376-001.

MOTION carried.

Add-On

- 9a. Request for a Consent Judgment to revise The Evergreen Estates Subdivision Plat; Located north of 23 Mile Road and approximately 4000 feet east of Romeo Plank Road. Permanent Parcel No. 08-16-400-012.

Larry Dloski, Township Attorney reviewed the request.

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Public Portion: None.

Petitioner: Tom Kellogg present.

MOTION by OLIVER seconded by DUNN to authorize to the Township Attorney to execute the Consent Judgment to revise The Evergreen Estates Subdivision Plat; Located north of 23 Mile Road and approximately 4000 feet east of Romeo Plank Road. Permanent Parcel No. 08-16-400-012.

MOTION carried.

OLD BUSINESS:

10. Consideration of Community Development Block Grant Projects and seek input on the reprogramming for the Parks & Recreation Master Planning. Review of the Allocation of FY 2003 Community Development Block Grant Program Funds.

Supervisor BRENNAN stated at the Township Board meeting of March 26, 2003 the Community Development Block Grant information was submitted for review. Supervisor BRENNAN reviewed the Allocation of the FY Community Development Block Grant Program Funds.

MOTION by DUNN seconded by BUCCI to approve the allocation for the Community Development Block Grant (CDBG) 2003 Service Funds in the amount of Fifteen Thousand Three Hundred dollars and 00/100 (\$15,300.00) as follows;

SERVICE FUNDS

<u>Programs</u>	<u>Allocation Amount</u>
Macomb County Chores Services	\$2,300.00
Macomb Township Senior Coordinator & Activities	\$8,000.00
St. Vincent DePaul	\$5,000.00
Total:	<u>\$15, 300.00</u>

MOTION carried.

MOTOIN by DUNN seconded by OLIVER to approve the allocation for the Community Development Block Grant (CDBG) 2003 Construction Projects in the amount of Eighty Six Thousand Seven Hundred dollars and 00/100 (\$86,700.00) as follows:

CONSTRUCTION PROJECTS

<u>Programs</u>	<u>Allocation Amount</u>
Township Parks & Recreation Senior Center rehabilitation	\$86,700.00
Total:	\$86,700.00

MOTION carried.

MOTION by DUNN seconded by MALBURG to approve the allocation for the Community Development Block Grant (CDBG) 2003 To Be Re-Programmed from the Parks & Recreation Master Planning in the amount of Fifteen Thousand Nine Hundred Eighty Dollars and 00/100 (\$15,980.00) as follows:

**PARKS & RECREATION
MASTER PLANNING PROJECT NO. B1-10-2C
CANCELLED AND RE-PROGRAMED**

<u>Programs</u>	<u>Allocation Amount</u>
Save Our Depot, Inc.	\$5,000.00
Solid Ground, Inc.	\$8,000.00
Senior Center Rehabilitation	\$2,980.00
Total:	\$15,980.00

MOTION carried.

11. Allocation of FY 2003 Community Development Block Grant Program Funds.

This agenda item was addressed with item no. 10.

12. Request for Model Permits; The Parc at Riverside Subdivision; Section 23.

Supervisor BRENNAN reviewed the request.

MOTION by OLVIER seconded by KOEHS to approve the request for Model Permits; The Parc at Riverside Subdivision; Lot Nos.: 48 & 49. Section 23.

MOTION carried.

13. Request for Model Permits; The Village at Riverside; Section 23.

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Supervisor BRENNAN reviewed the request.

MOTION by KOEHS seconded by MALBURG to approve the request for Model Permits The Village at Riverside; Lot Nos. 59, 60, 71 & 72. Section 23.

MOTION carried.

NEW BUSINESS:

14. Request to Adopt Resolution No. 1; Stormceptor Basin; Middlecreek Estates Subdivision; Section 21.

Supervisor BRENNAN reviewed the request.

MOTION by DUNN seconded by OLIVER to adopt Resolution No. 1; Stormceptor Basin; Middlecreek Estates Subdivision; Section 21. Public Hearing Date scheduled for May 14, 2003.

RESOLUTION NO. 1

Minutes of a regular meeting of the Township Board of the Township of Macomb, County of Macomb, Michigan, held in the Township Hall in said Township on April 9, 2003, at 7:00 o'clock P.M., Eastern Daylight Savings Time.

PRESENT: John D. Brennan, Michael D. Koehs, Marie E. Malburg, Dino F. Bucci, Jr., Charles Oliver, Janet Dunn, Kenneth Meerschaert, Jr.

ABSENT: None.

The following preamble and resolution were offered by Member DUNN and supported by Member OLIVER.

WHEREAS, final plat approval of Middlecreek Estates Subdivision (the "Plat") has been requested by the proprietor(s) thereof; and

WHEREAS, the County Public Works Commissioner of Macomb County (the "Commissioner") and the Macomb Township Board (the "Township") have examined the Plat and are willing to approve it on the condition that Section 192(d) of the Subdivision Control Act of 1967, PA 288, (the "Act"), requiring that the proprietor(s) provide an adequate stormceptor structure, is satisfied; and

WHEREAS, the Proprietor, Lot Owners and/or the Homeowners Association of the Plat are responsible for the maintenance and operation of the stormceptor structure pursuant to and in accordance with a Declaration of Easements, Covenants and Restrictions which will be recorded with the Macomb County Register of Deeds coincident with the recording of Plat; and

WHEREAS, in the event the Proprietor, Lot Owners, and/or Homeowners Association refuse, fail or neglect to maintain the stormceptor structure which results in conditions threatening public health, safety or welfare, thus requiring the Township to abate such conditions; and

WHEREAS, if the Township expends funds to correct such conditions and/or to assume the cost of operating and maintaining the stormceptor structure, it is desirable that a Special Assessment District be established which will enable the Township to spread the cost upon Lots 1 through 44 of the Plat which

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contribute storm drainage to the stormceptor structure located in such district by the imposition of a special assessment levy; and

WHEREAS, it has been proposed that the special assessment levy be spread equally on each lot in the Special Assessment District; and

WHEREAS, pursuant to Sections 192a(2) and 192a(5) of the Act, proper notice must be given and a hearing held on creation of the Special Assessment District and defraying the cost of operating and maintaining the stormceptor structure by special assessment on the property benefited thereby.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE TOWNSHIP OF MACOMB, MACOMB COUNTY, MICHIGAN:

1. That, subject to approval at a public meeting, the Township hereby declares a Special Assessment District pursuant to its authority granted by Section 192a of the Act and such Special Assessment District shall consist of Lots 1 through 44 within the Plat as shown thereon and described on the attached Exhibit "A" attached hereto, located in such district by the imposition of a special assessment levy.
2. That the Township Board give notice of and hold a public hearing on May 14, 2003, on the creation of the Special Assessment District and objections thereto, including the defraying of the cost of operating and maintaining the stormceptor structure by special assessment on the property benefited thereby. The operation and maintenance of the stormceptor structure shall include, but not be limited to, the operation and maintenance, the removal of weeds and other debris from the structure.
3. That the stormceptor structure provided by the proprietor is adequate to service the land within the Special Assessment District and, accordingly, the conditions of Section 192 of the Act are deemed fulfilled.
4. That the Township Board be and hereby is authorized, empowered and directed to make, execute and deliver any and all instruments and papers and documents and to do and perform any and all acts and things which shall be or become necessary, proper, convenient or desirable to carry out, put into effect or make operative any and all matter and things authorized or permitted to be done in the hereinabove resolution.

AYES: DUNN, OLIVER, MALBURG, BUCCI, OLIVER, MEERSCHAERT, KOEHS, BRENNAN.

NAYS: NONE.

RESOLUTION DECLARED ADOPTED.

Michael D. Koehs
Macomb Township Clerk

MOTION carried.

15. Request for the Township Engineer to research a Sanitary Sewer Diversion; Located on 25 Mile Road between Luchtman and Broughton Roads, Lombardo & Merlini of Michigan, LLC., Petitioner. Permanent Parcel No. 08-09-200-011 and 013.

Supervisor BRENNAN reviewed the request.

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MOTION by KOEHS seconded by MALBURG to approve the request for the Township Engineer to research a Sanitary Sewer Diversion; Located on 25 Mile Road between Luchtman and Broughton Roads, Lombardo & Merlini of Michigan, LLC., Petitioner. Permanent Parcel No. 08-09-200-011 and 013. This motion is contingent upon the posting of required funds.

MOTION carried.

16. Request authorization for the Township engineer to design a Trunk Line Sanitary Sewer for 24 Mile Road; Section 9. Section 9 Properties. LLC Petitioner. This encounters Parcel Nos. 08-09-400-001 and 013.

Supervisor BRENNAN reviewed the request.

MOTION by OLIVER seconded by KOEHS to approve the request for the Township engineer to design a Trunk Line Sanitary Sewer for 24 Mile Road; Section 9. Section 9 Properties. LLC Petitioner. This encounters Parcel Nos. 08-09-400-001 and 013. This motion is contingent upon the posting of required funds.

MOTION carried.

17. Request authorization for the Township Engineer to design a Trunk Line Water Main for 22 Mile Road; Section 24. Lombardo North Avenue Properties LLC.

Supervisor BRENNAN reviewed the request.

MOTION by DUNN seconded by MALBURG to approve the request to authorize the Township Engineer to design a Trunk Line Water Main for 22 Mile Road; Section 24. Lombardo North Avenue Properties LLC. This motion is contingent upon the posting of required funds.

MOTION carried.

18. Recognition of Central Macomb County Chamber of Commerce celebrating its centennial year in 2003.

Clerk KOEHS presented Mrs. Grace Shore, the president of the Central Macomb County Chamber of Commerce with the proclamation honoring the one hundred years of service to the community of the Central Macomb County Chamber of Commerce.

PARK & RECREATION DEPARTMENT:

19. Request for lawn mowing contract.

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Agenda No.19 was combined with Agenda No.27.

20. Request conduct run spring & summer programs.

Mr. Salvatore DiCaro, Parks & Recreation Director reviewed the request.

MOTION by DUNN seconded by OLIVER to grant the request to conduct spring & summer programs not to exceed Forty Five Thousand dollars and 00/100 (\$45,000.00).

MOTION carried.

FIRE DEPARTMENT:

21. Consideration of resignation letter from a Macomb Township Fire Fighter.

Ray Ahonen, Fire Department Chief reviewed the letter of resignation from Brian Henson.

MOTION by OLIVER seconded by KOEHS to receive and file the resignation letter from Fire Fighter Brian Henson. Resignation Date March 14, 2003.

MOTION carried.

Chief Ahonen reported the future Weather Warning Sirens testing tentatively set for Saturday May 3, 2003 at 1:00P.M.

WATER & SEWER DEPARTMENT:

22. Easement Encroachment Agreement; Bayberry Park Subdivision No. 1 Lot No. 2; Michael H. & Wendy A. Dempsey, 54921 Pimenta Drive, Macomb, MI 48042. Permanent Parcel No. 08-07-126-002.

David Koss Water & Sewer Department Superintendent reviewed the request.

MOTION by BUCCI seconded by MALBURG to approve the Easement Encroachment Agreement; Bayberry Park Subdivision No. 1 Lot No. 2; Michael H. & Wendy A. Dempsey, 54921 Pimenta Drive, Macomb, MI 48042. Permanent Parcel No. 08-07-126-002.

MOTION carried.

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23. Easement Encroachment Agreement; Pinecrest Subdivision No. 3 Lot No. 186; Robert W. & Jennifer M. Byrum, 48210 Beacon Drive, Macomb, MI 48044. Permanent Parcel No. 08-28-196-010.

David Koss Water & Sewer Department Superintendent reviewed the request.

MOTION by MALBURG seconded by KOEHS to approve the Easement Encroachment Agreement; Pinecrest Subdivision No. 3 Lot No. 186; Robert W. & Jennifer M. Byrum, 48210 Beacon Drive, Macomb, MI 48044. Permanent Parcel No. 08-28-196-010.

MOTION carried.

24. Request for approval of Elevator Maintenance Contract.

David Koss Water & Sewer Department Superintendent reviewed the request.

MOTION by DUNN seconded by MALBURG to approve the Elevator Maintenance Contract. Total cost Three Thousand Seven Hundred Fifty dollars and 00/100 (\$3,750.00) as submitted.

MOTION carried.

25. Request for approval to purchase a new cement mixer.

David Koss Water & Sewer Department Superintendent reviewed the request.

MOTION by MALBURG seconded by KOEHS to approve the request to purchase a new cement mixer Contractors Connection – Whitman Brand Model No. WC62SH5. Total cost One Thousand Nine Hundred Ninety Five dollars and 00/100 (\$1,995.00) as submitted.

MOTION carried.

26. Request for acceptance of the Bids for new utility vehicle.

David Koss Water & Sewer Department Superintendent reviewed the request.

MOTION by BUCCI seconded by DUNN to award the bids to Wolverine Freightliner for the 2003 Cab and Cassis, M-2 Freightliner, and NBC Truck Equipment for the IMT Heavy Duty Utility Body and Telescopic Crane. Total cost of Eighty One Thousand Three Hundred Ninety Six dollars and 95/100 (\$81,396.95) as submitted.

MOTION carried.

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27. Request for acceptance of the Lawn Maintenance Bids for the Township Grounds.

David Koss Water & Sewer Department Superintendent reviewed the request.

Public Hearing: Joe Vanassche, questioned the pesticide license. David Koss, Water & Sewer Department and Salvatore DiCar, Parks & Recreation Director stated the understanding is that the business is licensed.

MOTION by KOEHS seconded by BUCCI to award the bid for the lawn maintenance to Toms Landscaping. This motion is contingent upon verification of the pesticide license.

MOTION carried.

28. Request for a Flow Meter for 23 Mile Road Sewer; Spalding DeDecker Associates.

David Koss Water & Sewer Department Superintendent reviewed the request.

MOTION by KOEHS seconded by OLIVER to approve the request for a flow meter for 23 Mile Road Sewer; Spalding DeDecker Associates. Total cost of Five Thousand dollars and 00/100 (\$5,000.00) as submitted.

MOTION carried.

29. Request for Cement Batch Plant Operations; Tony Angelo Cement Construction Company.

David Koss Water & Sewer Department Superintendent reviewed the request.

MOTION by OLIVER seconded by DUNN to approve the request for sixty days for the cement batch plant operations; Tony Angelo Cement Construction Company; Silver Pines Village Condominiums. Permanent Parcel No. 08-17-100-044. Starting from April 28, 2003 to expire on June 28, 2003.

MOTION carried.

30. Request for approval of Purchase Requisitions:
A. SLC Meter Service Inc.

David Koss Water & Sewer Department Superintendent reviewed the request.

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MOTION by DUNN seconded by OLIVER to approve the SLC Meter Service Inc. purchase request. Total cost Eight Thousand Six dollars and 06/100 (\$8,000.06) as submitted.

MOTION carried.

30. Request for approval of Purchase Requisitions:
B. Triangle Printing

David Koss Water & Sewer Department Superintendent reviewed the request.

MOTION by DUNN seconded by MALBURG to approve the Triangle Printing purchase request. Total cost One Thousand four Hundred Fifty Five dollars and 00/100 (\$1,455.00) as submitted.

MOTION carried.

BOARD COMMENTS:

Add-On

Supervisor Comments:

31. Macomb Township Co-op Wages.

Supervisor BRENNAN held further discussion concerning the Co-op wages.

MOTION by KOEHS seconded by DUNN to approve the Macomb Township Co-op Wages to increase immediately to Eight dollars and 00/100 (\$8.00) per hour and after ninety (90) days the wage will increase to Eight dollars and 50/100 (\$8.50) as discussed.

MOTION carried.

Public Portion: Patty Schmeiser, questioned the Board regarding retroactive payments. Mr. Brennan stated the increase will occur from this point further. Clerk KOEHS informed the Board that the POW MIA Flag has been raised and is flying.

EXECUTIVE SESSION:

31. Amend the Consent Judgment of Bell Fork Lift regarding the Site Plan; Crest Dealership; Located on the north side of Hall Road immediately west of the GTWRR; Eastview Automotive, Petitioner. Permanent Parcel No. 08-36-376-003.

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MOTION by MEERSCHAERT seconded by KOEHS to adjourn into the Executive Session at 7:57 P.M.

MOTION carried.

The meeting reconvened at 8:10 P.M.

MOTION by KOEHS seconded by MALBURG to authorize the Township Attorney to Sign and Amend the Consent Judgment of behalf of the Township for Bell Fork Lift regarding the Site Plan; Crest Dealership; Located on the north side of Hall Road immediately west of the GTWRR; Eastview Automotive, Petitioner. Permanent Parcel No. 08-36-376-003.

MOTION carried.

ADJOURNMENT

MOTION by MEERSCHAERT seconded by KOEHS to adjourn the meeting at 8:11 P.M.

MOTION carried.

Respectfully,

John D. Brennan, Supervisor

Michael D. Koehs, Clerk

Gabrielle M. Baker, Recording Secretary
MDK/gmb